

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:13-cv-03412**

Aetna Life Insurance Company v. Methodist Hospitals of Dallas d/b/a
Methodist Medical Center and Charlton Medical Center **Do not docket.**
**Case electronically transferred to the Dallas Division of the Northern
District of Texas).**<

Assigned to: Judge Sim Lake

Cause: 28:2201 Constitutionality of State Statute(s)

Plaintiff

Aetna Life Insurance Company

represented by **Mitchell Allan Reid**
Andrews Kurth LLP
600 Travis
Ste 4200
Houston, TX 77002
713-220-4138
Fax: 713-238-7305
Email: mreid@andrewskurth.com
ATTORNEY TO BE NOTICED

John Bruce Shely
Andrews Kurth LLP
600 Travis
Ste 4200
Houston, TX 77002
713-220-4105
Fax: 713-220-4200
Email: jshely@andrewskurth.com
ATTORNEY TO BE NOTICED

V.

Defendant

**Methodist Hospitals of Dallas d/b/a
Methodist Medical Center and Charlton
Medical Center**

represented by **Mikal C Watts**
Watts Guerra Craft LLP
4 Dominion Dr
Bldg 3, Ste 100
San Antonio, TX 78257
210-447-0500
Fax: 210-447-0501
Email: mcwatts@wattsguerra.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Texas Health Resources

represented by **Mikal C Watts**
(See above for address)
LEAD ATTORNEY

Defendant

**Medical Center Ear, Nose & Throat
 Associates of Houston, P.A.**

represented by **Mikal C Watts**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/19/2013	<u>1</u>	COMPLAINT against Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center (Filing fee \$ 400 receipt number 0541-12377672) filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Exhibit A – Base Contract and Amendments, # <u>2</u> Exhibit B – 2009 Contract Amendment, # <u>3</u> Exhibit C – Demand, # <u>4</u> Civil Cover Sheet)(Shely, John) (Entered: 11/19/2013)
11/19/2013	<u>2</u>	Request for Issuance of Summons as to Aetna Life Insurance Company, filed. (Attachments: # <u>1</u> Complaint Original Complaint with Exhibits)(Shely, John) (Entered: 11/19/2013)
11/19/2013	<u>1</u>	Summons Issued as to Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, filed.(mmapps, 4) (Entered: 11/19/2013)
11/19/2013	<u>3</u>	RETURN of Service of SUMMONS Executed as to Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center served on 11/19/2013, answer due 12/10/2013, filed.(Shely, John) (Entered: 11/19/2013)
11/20/2013	<u>4</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 3/28/2014 at 02:00 PM in Courtroom 9B before Judge Sim Lake(Signed by Judge Sim Lake) Parties notified.(wbostic, 4) (Entered: 11/20/2013)
11/20/2013	<u>5</u>	First AMENDED against All Defendants filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Exhibit A – Methodist Contract and Amendments, # <u>2</u> Exhibit B – Methodist Contract 2009 Amendment, # <u>3</u> Exhibit C – Texas Health Resources Contract and Amendment, # <u>4</u> Exhibit D – Medical Center ENT Contract and Amendment, # <u>5</u> Exhibit E – Methodist's Demand Letter, # <u>6</u> Exhibit F – Texas Health Resources' Demand Letter, # <u>7</u> Exhibit G – Medical Center ENT's Demand Letter)(Shely, John) (Entered: 11/20/2013)
11/21/2013	<u>6</u>	Request for Issuance of Summons as to Texas Health Resources, filed.(Shely, John) (Entered: 11/21/2013)
11/21/2013	<u>7</u>	Request for Issuance of Summons as to Medical Center Ear, Nose & Throat Associates of Houston, P.A., filed.(Shely, John) (Entered: 11/21/2013)
11/21/2013	<u>1</u>	Summons Issued as to Medical Center Ear, Nose & Throat Associates of Houston, P.A., Texas Health Resources, filed.(thanniable, 4) (Entered: 11/21/2013)
11/21/2013	<u>8</u>	RETURN of Service of SUMMONS Executed as to Texas Health Resources served on 11/21/2013, answer due 12/12/2013, filed.(Shely, John) (Entered: 11/21/2013)
11/22/2013	<u>9</u>	RETURN of Service of SUMMONS Executed as to Medical Center Ear, Nose & Throat Associates of Houston, P.A. served on 11/22/2013, answer due 12/13/2013, filed.(Shely, John) (Entered: 11/22/2013)
12/05/2013	<u>10</u>	CERTIFICATE OF INTERESTED PARTIES by Aetna Life Insurance Company, filed.(Reid, Mitchell) (Entered: 12/05/2013)

12/05/2013	<u>11</u>	CERTIFICATE OF INTERESTED PARTIES by Medical Center Ear, Nose & Throat Associates of Houston, P.A., Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources, filed.(Watts, Mikal) (Entered: 12/05/2013)
12/09/2013	<u>12</u>	MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., by Medical Center Ear, Nose & Throat Associates of Houston, P.A., filed. Motion Docket Date 12/30/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Proposed Order)(Watts, Mikal) (Entered: 12/09/2013)
12/09/2013	<u>13</u>	MOTION to Abstain, MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Motion of Defendants Methodist–Dallas and Texas Health Resources for the Court to Abstain from Exercising Jurisdiction and to Dismiss Plaintiff's First Amended Complaint Against Them</i> (Motion Docket Date 12/30/2013.) by Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B – Part 1 of 3, # <u>3</u> Exhibit B – Part 2 of 3, # <u>4</u> Exhibit B – Part 3 of 3, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Proposed Order)(Watts, Mikal) (Entered: 12/09/2013)
12/09/2013	<u>14</u>	MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Rule 12(b)(7) Motion to Dismiss Aetna's Cases Against Defendants Methodist–Dallas, Texas Health Resources and Medical Center ENT</i> by Medical Center Ear, Nose & Throat Associates of Houston, P.A., Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources, filed. Motion Docket Date 12/30/2013. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Watts, Mikal) (Entered: 12/09/2013)
12/09/2013	<u>15</u>	MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Methodist–Dallas' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternative, Motion to Transfer Venue Pursuant to 28 USC 1406 or 1404(a)</i> (Motion Docket Date 12/30/2013.), MOTION to Change Venue to Northern District of Texas – Dallas Division by Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Watts, Mikal) (Entered: 12/09/2013)
12/09/2013	<u>16</u>	MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Texas Health Resources' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternative, Motion to Transfer Venue Pursuant to 28 USC 1406 or 1404(a)</i> (Motion Docket Date 12/30/2013.), MOTION to Change Venue to Northern District of Texas – Dallas Division by Texas Health Resources, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Watts, Mikal) (Entered: 12/09/2013)
12/27/2013	<u>17</u>	MOTION for Summary Judgment by Aetna Life Insurance Company, filed. Motion Docket Date 1/17/2014. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A–1, # <u>4</u> Exhibit A–2, # <u>5</u> Exhibit A–3, # <u>6</u> Exhibit A–4, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Exhibit G, # <u>13</u> Exhibit H, # <u>14</u> Exhibit I, # <u>15</u> Exhibit J, # <u>16</u> Exhibit K, # <u>17</u> Exhibit L, # <u>18</u> Exhibit M, # <u>19</u> Exhibit N, # <u>20</u> Exhibit O, # <u>21</u> Exhibit P, # <u>22</u> Exhibit Q, # <u>23</u> Exhibit R, # <u>24</u> Proposed Order)(Shely, John) (Entered: 12/27/2013)
12/30/2013	<u>18</u>	RESPONSE to <u>13</u> MOTION to Abstain MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Motion of Defendants Methodist–Dallas and Texas Health Resources for the Court to Abstain from Exercising Jurisdiction and to Dismiss Plaintiff's First Amended Co filed by Aetna Life Insurance Company.</i> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Proposed Order)(Shely, John) (Entered: 12/30/2013)
12/30/2013	<u>19</u>	RESPONSE to <u>12</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Proposed Order)(Shely, John)

(Entered: 12/30/2013)

12/30/2013	<u>20</u>	RESPONSE to <u>16</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Texas Health Resources' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alt MOTION to Change Venue to Northern District of Texas – Dallas Division, <u>15</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., Defendant Methodist–Dallas' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternati MOTION to Change Venue to Northern District of Texas – Dallas Division filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A–1, # <u>4</u> Exhibit B, # <u>5</u> Exhibit B–1, # <u>6</u> Exhibit B–2, # <u>7</u> Exhibit B–3, # <u>8</u> Exhibit C, # <u>9</u> Exhibit C–1, # <u>10</u> Exhibit C–2, # <u>11</u> Exhibit D, # <u>12</u> Exhibit D–1, # <u>13</u> Exhibit E, # <u>14</u> Exhibit E–1, # <u>15</u> Exhibit F, # <u>16</u> Exhibit G, # <u>17</u> Proposed Order)(Shely, John) (Entered: 12/30/2013)</i>
12/30/2013	<u>21</u>	RESPONSE to <u>14</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Rule 12(b)(7) Motion to Dismiss Aetna's Cases Against Defendants Methodist–Dallas, Texas Health Resources and Medical Center ENT</i> filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Index, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Shely, John) (Entered: 12/30/2013)
01/13/2014	<u>22</u>	REPLY to Response to <u>12</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., , filed by Medical Center Ear, Nose &Throat Associates of Houston, P.A.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order Amended Proposed Order)(Watts, Mikal) (Entered: 01/13/2014)
01/13/2014	<u>23</u>	REPLY to Response to <u>16</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Texas Health Resources' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alt MOTION to Change Venue to Northern District of Texas – Dallas Division, <u>15</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., Defendant Methodist–Dallas' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternati MOTION to Change Venue to Northern District of Texas – Dallas Division, filed by Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Watts, Mikal) (Entered: 01/13/2014)</i>
01/13/2014	<u>24</u>	REPLY to Response to <u>14</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Rule 12(b)(7) Motion to Dismiss Aetna's Cases Against Defendants Methodist–Dallas, Texas Health Resources and Medical Center ENT</i> , filed by Medical Center Ear, Nose &Throat Associates of Houston, P.A., Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Watts, Mikal) (Entered: 01/13/2014)
01/13/2014	<u>25</u>	REPLY to Response to <u>13</u> MOTION to Abstain MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Motion of Defendants Methodist–Dallas and Texas Health Resources for the Court to Abstain from Exercising Jurisdiction and to Dismiss Plaintiff's First Amended Co</i> , filed by Medical Center Ear, Nose &Throat Associates of Houston, P.A., Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Watts, Mikal) (Entered: 01/13/2014)
01/13/2014	<u>26</u>	RESPONSE in Opposition to <u>17</u> MOTION for Summary Judgment , filed by Medical Center Ear, Nose &Throat Associates of Houston, P.A., Methodist Hospitals of Dallas d/b/a Methodist Medical Center and Charlton Medical Center, Texas Health Resources. (Attachments: # <u>1</u> Appendix Appendix Index, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, #

19 Exhibit 18, # 20 Exhibit 19, # 21 Exhibit 20, # 22 Exhibit 21, # 23 Exhibit 22, # 24 Exhibit 23, # 25 Exhibit 24, # 26 Exhibit 25, # 27 Exhibit 26, # 28 Exhibit 27, # 29 Exhibit 28, # 30 Exhibit 29, # 31 Exhibit 30, # 32 Exhibit 31, # 33 Exhibit 32, # 34 Exhibit 33, # 35 Exhibit 34, # 36 Exhibit 35, # 37 Exhibit 36, # 38 Exhibit 37, # 39 Exhibit 38, # 40 Exhibit 39, # 41 Exhibit 40, # 42 Exhibit 41, # 43 Exhibit 42, # 44 Exhibit 43, # 45 Exhibit 44, # 46 Exhibit 45, # 47 Exhibit 46, # 48 Exhibit 47, # 49 Exhibit 48, # 50 Exhibit 49, # 51 Exhibit 50, # 52 Exhibit 51, # 53 Exhibit 52, # 54 Proposed Order)(Watts, Mikal) (Entered: 01/13/2014)

01/17/2014	<u>I</u> <u>27</u>	ORDER granting <u>12</u> MOTION to Dismiss <u>5</u> First Amended Complaint (Signed by Judge Sim Lake) Parties notified. (aboyd, 4) (Entered: 01/17/2014)
01/27/2014	<u>I</u> <u>28</u>	RESPONSE to <u>14</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Rule 12(b)(7) Motion to Dismiss Aetna's Cases Against Defendants Methodist–Dallas, Texas Health Resources and Medical Center ENT</i> , <u>13</u> MOTION to Abstain MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Joint Motion of Defendants Methodist–Dallas and Texas Health Resources for the Court to Abstain from Exercising Jurisdiction and to Dismiss Plaintiff's First Amended Co</i> , <u>16</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Texas Health Resources' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alt MOTION to Change Venue to Northern District of Texas – Dallas Division</i> , <u>15</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Methodist–Dallas' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternati MOTION to Change Venue to Northern District of Texas – Dallas Division</i> filed by Aetna Life Insurance Company. (Attachments: # <u>1</u> Exhibit (1), # <u>2</u> Exhibit (2), # <u>3</u> Exhibit (3))(Shely, John) (Entered: 01/27/2014)
01/27/2014	<u>I</u> <u>29</u>	MEMORANDUM AND ORDER granting/mooting in part <u>15</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Methodist–Dallas' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alternati MOTION to Change Venue to Northern District of Texas – Dallas Division</i> , mooring <u>16</u> MOTION to Dismiss <u>5</u> Amended Complaint/Counterclaim/Crossclaim etc., <i>Defendant Texas Health Resources' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(3) of the Federal Rules of Civil Procedure, and in the Alt MOTION to Change Venue to Northern District of Texas – Dallas Division</i> . (Signed by Judge Sim Lake) Parties notified.(rosaldana, 4) (Entered: 01/27/2014)
01/27/2014	<u>I</u>	Interdistrict transfer to the Dallas Division of the Northern District of Texas. Case transferred electronically. Case terminated on 1/28/2014, filed. (rosaldana, 4) (Entered: 01/28/2014)